

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15642 of the Lab School of Washington, pursuant to 11 DCMR 3108.1, for a special exception under Sections 206 and 207 for a subdivision, conversion of and addition to an existing building, and construction of a footbridge for a private school and child development center in an R-1-B District at premises 4738 Whitehaven Parkway, N.W. (Square 1372, Lots 18 and 818).

HEARING DATE: April 22, 1992  
DECISION DATE: April 22, 1992 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3B. ANC 3B, which is automatically a party to the application, by letter dated March 24, 1992 submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206 and 207. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The number of employees at the subject building shall not exceed six.
2. The hours of operation shall be between from 7:00 a.m. and 10:00 p.m., Monday through Friday.

3. Access to the subject building, except as noted in Condition No. 4, shall be from the campus to the rear of the structure via a newly established path, footbridge, and portico.
4. There shall be no public entrance on the front of the structure -- the Whitehaven Parkway side -- except for handicapped individuals.
5. There shall be no signs advertising the proposed use on the front of the structure -- the Whitehaven Parkway side.
6. The existing swimming pool on the site shall be removed.
7. Conferences and meetings conducted at the subject site shall be limited to professional and administrative meetings relative to the Lab School. The subject building shall not be available for public or community use. The maximum attendance for conferences and meetings shall not exceed thirty people.
8. The applicant shall ensure that the establishment of the new path and footbridge will not necessitate major cutting or removal of trees on the campus.
9. The applicant shall establish pedestrian walkways to MacArthur Boulevard and shall encourage all pedestrian traffic to use that pathway rather than the north end of the campus onto Whitehaven Parkway.
10. The applicant shall prohibit parking on Whitehaven Parkway by staff or conference participants.
11. The applicant shall establish and maintain a maintenance program to police the area for student trash on a daily basis.
12. The applicant shall periodically distribute a memorandum to faculty, staff, and students reinforcing the importance of complying with the conditions of the Board's order and of proper behavior in the neighborhood.
13. The applicant shall assign a representative of the school as a community liaison person responsible for working with the ANC and area residents to help to ensure compliance with the proposed conditions set forth in Exhibit No. 27B of the record with regard to parking concerns, and to afford the neighborhood a proper forum for raising and addressing any problems which may arise relative to the operation of the subject facility.

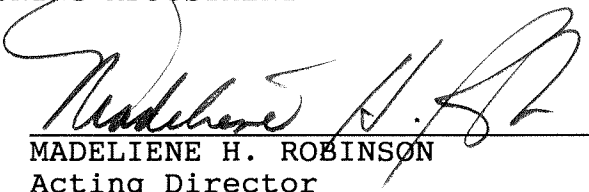
14. The building shall be illuminated in a manner consistent with surrounding residences. The lighting shall be controlled by a timer when the building is not occupied to ensure that the structure shall not have the appearance of being vacant during hours that it is not in use.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Paula L. Jewell, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt and Tersh Boasberg not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAY 22 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15642

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 22 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

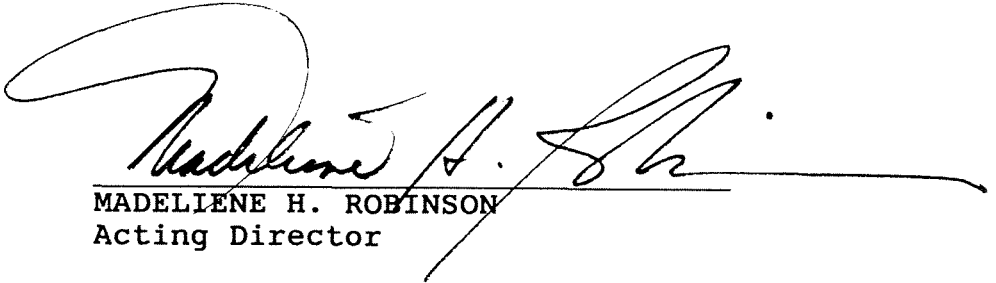
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MADELIENE H. ROBINSON  
Acting Director

DATE: \_\_\_\_\_

MAY 22 1992